

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE COUNCIL**

**March 30, 1992**

## **AGENDA SUPPLEMENT**

Note: The Council is in Recess

### **RECONVENE**

### **ROLL CALL**

### **NEW BUSINESS**

Item #1: Requests to Carry Bills Over to the Third Special Session. (List attached)

Item #2: Consideration of Study Requests. (List attached)

### **ANNOUNCEMENTS AND REMARKS**

### **ADJOURNMENT**



SEN. CHARLES P. PRAY  
CHAIR

REP. DAN A. GWADOWSKY  
VICE-CHAIR

STATE OF MAINE

115th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. NANCY RANDALL CLARK  
SEN. DENNIS L. DUTREMBLE  
SEN. CHARLES M. WEBSTER  
SEN. PAMELA L. CAHILL  
REP. JOHN L. MARTIN  
REP. JOSEPH W. MAYO  
REP. WALTER E. WHITCOMB  
REP. FRANCIS C. MARSANO

SARAH C. TUBBESING  
EXECUTIVE DIRECTOR

**March 19, 1992**

## **MEETING SUMMARY**

**Approved March 29, 1992**

### **CALL TO ORDER**

The Council Vice-Chair, Rep. Gwadosky, convened the Council meeting at 1:46 p.m.

### **ROLL CALL**

<b>Senators:</b>	Sen. Pray, Sen. Clark, Sen. Webster, Sen. Dutremble, Sen. Cahill
<b>Representatives:</b>	Rep. Martin, Rep. Gwadosky, Rep. Whitcomb, Rep. Mayo, Rep. Marsano
<b>Legislative Officers:</b>	Sally Tubbesing, Executive Director, Legislative Council Lynn Randall, State Law Librarian John Wakefield, Director, Office of Fiscal and Program Review Martha Freeman, Director, Office of Policy and Legal Analysis David Kennedy, Revisor of Statutes Joy O'Brien, Secretary of the Senate

### **SECRETARY'S REPORT**

The Summary of the March 11, 1992, Council meeting was accepted and placed on file. (Motion by Sen. Dutremble; second by Sen. Cahill; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing drew Council members' attention to the Committee Status Report, which summarizes the status of all bills not yet reported out of Committee, and suggested that Martha Freeman be called upon to elaborate on the report. Ms. Freeman reported that most committees had completed all of their work and that the presiding officers had established the coming Friday, March 20, as the final deadline for completion of work on all remaining bills. David Kennedy then reported that he had 7 bills that had not yet been introduced -- 1 pre-cloture bill, 2 Governor's bills and 4 After Deadline bills. His staff are also working on 4 County Budget bills.

**Motion:** That the Council instruct the presiding officers that all bills not reported out by the following Tuesday, March 25, be killed. (Motion by Sen. Dutremble.)

**Discussion:** Sen. Dutremble expressed his concern that the Legislature would not be able to adjourn by the target date, Friday, March 27, if such a deadline were not imposed. His remarks were followed by general discussion among the members that centered on three major themes:

1. That if bills were truly important for this Legislature to consider, their sponsors bore the responsibility for getting them into the process at a reasonable point in the session, a point which had passed several weeks ago.
2. That the major obstacle to adjournment by the 27th was the budget and that this was where the members of the Council and the Governor needed to focus their efforts.
3. That there was consensus among all the Council members that they were committed to adjourning by the 27th.

The Council Chair, Sen. Pray, who had arrived in the course of this discussion, expressed his appreciation to Sen. Dutremble for the intent of his motion; however, he noted that the Joint Rules provided two vehicles for calling bills out of committee -- one by the presiding officers and one by the Legislature as a whole.

The motion was withdrawn.

## REPORTS FROM COUNCIL COMMITTEES

None.

## OLD BUSINESS

None.

## **NEW BUSINESS**

### **Item #1: After Deadline Bill Requests**

Requests to introduce legislation to the Second Regular Session were considered by the Legislative Council. A summary of the Council's action on these requests is attached to this meeting summary.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Council meeting was adjourned at 2:22 p.m., on the motion of the Chair.

LEGISLATIVE COUNCIL  
ACTION ON REQUESTS TO INTRODUCE LEGISLATION  
SECOND REGULAR SESSION  
March 19, 1992

	Action
SPONSOR: Sen. Berube	FAILED
LR 3776 An Act to License Civil Process Servers	
SPONSOR: Rep. Boutilier	FAILED
LR 3769 An Act to Authorize Department of Transportation Bond Issues for Infrastructure Improvements and to Create Jobs	
Cosponsors: Sen. Twitchell Rep. Macomber Rep. Bailey, Ronald C.	
SPONSOR: Sen. Clark, Nancy R.	FAILED
LR 3853 Resolve to Waive Notice Requirements for Filing Claims under the Maine Torts Claims Act for Stephanie Burton	
SPONSOR: Rep. DiPietro	FAILED
LR 3742 An Act to Prevent Sexual Exploitation of Minors	
SPONSOR: Sen. Gauvreau	ACCEPTED
LR 3796 RESOLUTION, Proposing an Amendment to the Constitution of Maine Revising Grand Jury Requirements	
Cosponsors: Rep. Paradis, Patrick E.	
SPONSOR: Rep. Goodridge	FAILED
LR 3668 An Act Authorizing the Issuance of Limited Licenses for Plumbers	
SPONSOR: Sen. Kany	ACCEPTED
LR 3866 An Act to Deregulate Workers' Comp Insurance Voluntary Market Rates and to Establish the Workers' Compensation Employers' Mutual Fund	
Cosponsor: Rep. Elizabeth Mitchell	

Action

SPONSOR: Rep. Kilkelly

WITHDRAWN

LR 3765 An Act Concerning the Lincoln County Budget Committee

SPONSOR: Rep. Lemke

FAILED

LR 3864 Resolve, to Provide for a Commemorative Motor  
Vehicle License Plate for the Westbrook High School  
Band

SPONSOR: Rep. Lipman

ACCEPTED

LR 3844 An Act to Extend Certain Meeting and Reporting  
Deadlines for Study Committees and Commissions

Cosponsor: Rep. Pineu

SPONSOR: Rep. Manning

FAILED

LR 3737 An Act to Preserve the Benefits of Former Employees  
of the Division of Community Services

SPONSOR: Sen. Matthews

FAILED

LR 3777 An Act to Create a Retirees Pension Fund to Generate  
Economic Growth

SPONSOR: Rep. Mayo

ACCEPTED

LR 3858 An Act Concerning Fuel Oil and Wood Used in the  
Manufacturing Process

Cosponsor: Sen. Brawn

SPONSOR: Sen. Mills

ACCEPTED

LD 3867 An Act to Amend the Charter of the Rangeley  
Water District

SPONSOR: Rep. Mitchell, James

FAILED

LR 3593 An Act Amending the Maine Insurance Code

SPONSOR: Rep. Pineau

WITHDRAWN  
(See LR 3844)

LR 3859 An Act to Extend the Reporting Date of the  
Commission to Study the Use of Professional  
Strikebreakers

**TABLED BY THE LEGISLATIVE COUNCIL**

**SPONSOR: Rep. Oliver**

**TABLED  
01/28/92**

**LR 3357    An Act to Restructure the Division for the Blind and  
             Visually Impaired**



Carry Over Requests  
Approved by the  
Legislative Council  
as of  
March 29, 1992

DB: TEST5  
RPT: SPEC06

Committee Name	Title	Sponsors	Date Approved
Banking & Insurance L.D. 2181	An Act Regarding Workers' Compensation Rate Proceedings and Rate Hearings	BUSTIN PINEAU RAND MCCORMICK	03/29/92
L.D. 2218	An Act to Revise the Workers' Compensation Laws	PLOURDE PINEAU VOSE LIPMAN	03/29/92
L.D. 2442	An Act to Deregulate Workers' Compensation Insurance Voluntary Market Rates and to Establish the Workers' Compensation Employers' Mutual Fund	KANY MITCHELL E	03/29/92
Labor L.D. 2423	An Act to Reform the Workers' Compensation System	LIPMAN CARPENTER HASTINGS CARLETON	03/29/92
State & Local Government L.D. 2220	Resolve, to Establish A Unified Department of Children and Families	JOSEPH MARTIN J PRAY	03/29/92

— End of Report —

SENATE

ZACHARY E. MATHEWS, DISTRICT 13, CHAIR  
DENNIS L. DUTREMBLE, DISTRICT 34  
PAMELA L. CAHILL, DISTRICT 24

MICHAEL HIGGINS, LEGISLATIVE ANALYST



HOUSE

RITA B. MELENDY, ROCKLAND, CHAIR  
MARGE L. KILKELLY, WISCASSET  
WILFRED J. BELL, CARIBOU  
NASON S. GRAHAM, HOULTON  
CONRAD HEESCHEN, WILTON  
CHARLES C. PLOURDE, BIDDEFORD  
CAROL A. KONTOS, WINDHAM  
CATHERINE KOCH LEBOWITZ, BANGOR  
MADELINE D. STEVENSON, UNITY  
DEALE B. SALISBURY, ELLSWORTH

STATE OF MAINE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT

March 29, 1992

Honorable Charles P. Pray, Chair  
Legislative Council  
115th Legislature  
Augusta, Maine 04333

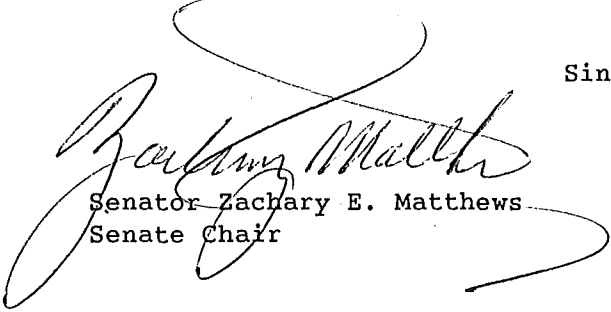
Dear Senator Pray:

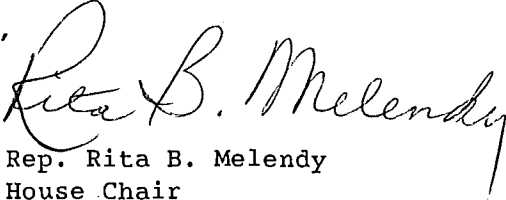
We are writing to request that the following bill be carried over to the next special session of the 115th Legislature:

L.D. 2454 An Act to Provide Skills Training for Unemployed Workers.

Thank you for your consideration.

Sincerely,

  
Senator Zachary E. Matthews  
Senate Chair

  
Rep. Rita B. Melendy  
House Chair

SENATE

N. PAUL GAUVREAU, DISTRICT 23, CHAIR  
GEORGETTE B. BERUBE, DISTRICT 16  
MURIEL D. HOLLOWAY, DISTRICT 20



HOUSE

PATRICK E. PARADIS, AUGUSTA, CHAIR  
CONSTANCE D. COTE, AUBURN  
PATRICIA M. STEVENS, BANGOR  
CUSHMAN D. ANTHONY, SOUTH PORTLAND  
SUSAN FARNSWORTH, HALLOWELL  
MARY R. CATHCART, ORONO  
ANDREW KETTERER, MADISON  
DANA C. HANLEY, PARIS  
JOHN H. RICHARDS, HAMPDEN  
DAVID N. OTT, YORK

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
**COMMITTEE ON JUDICIARY**

March 30, 1992

Honorable Charles P. Pray, Chair  
Legislative Council  
115th Legislature  
Augusta, Maine 04333


Dear Senator Pray:


We are writing to request that the following bill be carried over to the next special session of the 115th Legislature:

L.D. 2461 An Act to Increase Criminal Penalties on  
Deliberate Polluters

Thank you for your consideration.

Sincerely,

  
Senator N. Paul Gauvreau  
Senate Chair

  
Rep. Patrick E. Paradis  
House Chair

LEGISLATIVE COUNCIL  
PENDING STATUTORY STUDY REQUESTS

March 30, 1992

	Proposed Membership	Staffing	Appropriation	Report
Commission on Transferring County Jails to the State (LD 1447)	11 members (3 legislators; 8 by Governor)	Leg. Council*	\$ 8,100	Interim: 4/15/93 Final : 1/01/94
*Notes: Bill provides for staffing during the interim only; the reporting dates do not appear to be consistent with that.				
Commission on Recall (LD 1964)	12 members (6 legislators; 4 by President; 1 by Speaker; 1 by Governor)	Leg. Council	\$ 3,300	12/15/92
Commission on the Reorganization of Health, Social & Developmental Services (LD 2384)	13 members (all legislators)	Leg. Council	(Stripped/ Table)	11/01/92

**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO**

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**H.P. 998 - L.D. 1447**

**An Act to Create the Commission on Transferring County  
Jails to the State**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Commission on Transferring County Jails to the State.**

1. The Commission on Transferring County Jails to the State is established.

2. The commission consists of 11 members as follows:

A. One member of the Senate appointed by the President of the Senate;

B. Two members of the House of Representatives, one representing the party with the largest number of members and one representing the party with the next largest number of members, appointed by the Speaker of the House of Representatives;

C. One member from each of the following organizations appointed by the Governor from a list of at least 2 candidates submitted by these organizations:

- (1) The Maine County Commissioners' Association;
- (2) The Maine Sheriffs' Association;
- (3) The Maine Municipal Association;

- (4) The Department of Corrections;
- (5) The Maine State Employees Association; and
- (6) The American Federation of State, County and Municipal Employees; and

D. Two members of the general public appointed by the Governor. These members and their parents and children may not have any employment, financial or other interest in the subject matter of this study.

All appointments must be made no later than 30 days following the effective date of this Act. All appointing authorities shall notify the Executive Director of the Legislative Council when the selections have been made.

3. The Governor shall designate the convener from among the Governor's appointees. At the conclusion of its first meeting, the commission shall select a permanent chair and vice-chair from among its members.

4. The convener shall convene the first meeting of the study group within 60 days of the effective date of this Act. If the first meeting is not convened within this time period, the chair of the Legislative Council may convene the first meeting.

5. A quorum for any commission meeting is 1/2 the members appointed at the time of the meeting.

6. The commission shall study the feasibility of transferring county jails to the State. As part of the feasibility study, the commission shall identify the respective duties and responsibilities of the State and counties under the correctional system as they exist on the effective date of this Act and as they could exist if a complete transfer of county jails to the State were to occur. The commission shall examine and evaluate the feasibility of other alternative divisions of duties and responsibilities between the State and counties. The commission shall determine the current and potential costs to the State, benefits to the counties and overall effect on the people of the State of all the options set out in this paragraph.

7. If the commission determines that a transfer of county jails to the State is feasible, it shall develop a method of implementing the transfer of the operations of county jails to the State, including a timetable for the transitional process. The commission shall include in its study the following issues:

A. The degree to which duties and responsibilities should be transferred or shared between the State and counties;

B. The functional role of county jails pertaining to who will be confined and for how long;

C. The degree to which the jails should have vocational, educational and work-release programs;

D. The mechanics of transferring bond obligations to the State and the allocation of financial obligation for those bonds;

E. The transfer of seniority rights and eligibility of appointment to state positions for county jail employees, together with any related issues of collective bargaining rights; and

F. All statutory changes required to implement the transfer.

8. The Legislative Council may provide staffing to the commission during any interim.

9. The members of the commission who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 for each day's attendance at commission meetings.

Legislative members and public members, as identified in subsection 1, paragraph D, must be paid reimbursement for travel and other necessary expenses, upon application to the Legislative Council. Those members identified in subsection 1, paragraph C may not be paid per diem or expenses.

10. The commission shall make an interim progress report to the joint standing committee of the Legislature having jurisdiction over correction matters by April 15, 1993 and shall present its findings together with any recommended legislation in a final report to the committee before January 1, 1994. The committee shall submit legislation to the Second Regular Session of the 116th Legislature as necessary to implement its recommendations. The commission terminates upon submission of its final report.

11. The Executive Director of the Legislative Council shall administer the commission's budget.

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1992-93

**LEGISLATURE**

**Commission on Transferring  
County Jails to the State**

Personal Services  
All Other

\$2,850  
5,250

Provides funds to the Commission on  
Transferring County Jails to the State for  
the per diem of legislative members,  
expenses for legislative and public members  
and miscellaneous commission expenses.

**LEGISLATURE  
TOTAL**

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\$8,100



**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO**

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**H.P. 1377 - L.D. 1964**

**Resolve, to Establish the Commission on Recall**

**Sec. 1. Commission created. Resolved:** That there is established the Commission on Recall; and be it further

**Sec. 2. Appointment. Resolved:** That within 2 weeks after the effective date of this resolve, the 12-member commission must be appointed as follows:

1. Three Senators, at least one of whom must be from the minority party, appointed by the President of the Senate;

2. Three members of the House of Representatives, at least one of whom must be from the minority party, appointed by the Speaker of the House of Representatives;

3. One representative of the Governor's office, appointed by the Governor;

4. Two representatives of county government, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

5. Three members of the general public, one each appointed by the President of the Senate, the Speaker of the House of Representatives and the Governor; and be it further

**Sec. 3. Convening of commission. Resolved:** That when the appointment of all commission members is completed, the Chair of the Legislative Council shall call the first meeting not later than August 1, 1992. At the first meeting the members shall elect a chair; and be it further

**Sec. 4. Charge. Resolved:** That the commission shall draft a resolution proposing an amendment to the Constitution of Maine authorizing the recall of publicly elected officials and any other necessary enabling legislation subject to approval of 2/3 of the Senate and 2/3 of the House of Representatives. That legislation must include, but is not limited to, the following:

1. A description of the recall process including the number of times a recall may be attempted, the minimum length of time an official must be in office before a recall may be initiated, the maximum length of time remaining in an official's term beyond which a recall may not be initiated, the maximum time period allowed for petition circulation, the maximum amount of time for a petition to be certified and the number of days an official has to step down after the petition is certified;

2. The reasons that a recall may be initiated; and

3. A definition of the terms used in the legislation; and be it further

**Sec. 5. Report. Resolved:** That the commission shall present its findings and recommended legislation to the First Regular Session of the 116th Legislature by December 15, 1992; and be it further

**Sec. 6. Assistance. Resolved:** That, if staff assistance is desired, assistance must be requested from the Legislative Council; and be it further

**Sec. 7. Compensation. Resolved:** That all members of the commission must receive reimbursement for expenses upon application to the Executive Director of the Legislative Council; and be it further

**Sec. 8. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1992-93

## LEGISLATURE

### Commission on Recall

All Other

\$3,300

Provides funds to the Commission on Recall for expenses of commission members and miscellaneous commission expenses.

**Sec. A-4. Reorganization of health, social and developmental services.** It is the intent of the Legislature that by November 1, 1993 the Department of Human Services, the Department of Mental Health and Mental Retardation, the Office of Substance Abuse and the Office of Community Services be abolished and the functions of those agencies transferred to a newly created Department of Children and Families, a newly created Department of Health and Developmental Services and to other existing state agencies as specified in this Act. The implementation of this reorganization must be accomplished without diverting any direct service funds or incurring additional administrative costs.

**Sec. A-5. Commission on the Reorganization of Health, Social and Developmental Services.**

**1. Commission established.** The Commission on the Reorganization of Health, Social and Developmental Services, referred to in this section as the "commission," is established and consists of 13 members of the Legislature, including 3 Senators appointed by the President of the Senate and 10 members of the House of Representatives appointed by the Speaker of the House of Representatives as follows:

- A. Two members of the Joint Standing Committee on Appropriations and Financial Affairs;
- B. Two members of the Joint Standing Committee on Education;
- C. Two members of the Joint Standing Committee on Human Resources;
- D. Two members of the Joint Select Committee on Corrections;
- E. Two members of the Joint Standing Committee on State and Local Government; and
- F. Three additional members of the Legislature.

Each appointing authority shall ensure that the composition of appointees from the authority's chamber reflects the proportion of majority and minority parties in that chamber. All members must be appointed by June 1, 1992. The commission is abolished on December 1, 1992.

**2. Convening of commission; election of chair.** The Chair of the Legislative Council shall call the first meeting of the commission within 30 days of the appointment of all commission members and in no case later than July 1, 1992. At that meeting, the commission shall select a chair from among its members.

3. **Working groups.** The chair of the commission may form working groups on an ad hoc basis to develop legislative proposals to the full commission. A working group must consist of at least 3 members who are Legislators and who are members of the commission in addition to any other persons the chair may appoint as nonvoting members of the working group.

4. **Staff.** The commission shall request staffing assistance within existing resources from the Legislative Council.

5. **Cooperation from departments.** All officials of the executive branch agencies affected by this Act shall provide information, advice and assistance to the commission upon request.

6. **Compensation.** The members of the commission are entitled to the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 for each day's attendance at commission meetings and reimbursement for travel and other necessary expenses upon application to the Executive Director of the Legislative Council.

7. **Budget.** The Executive Director of the Legislative Council shall administer the commission's budget.

8. **Commission charged.** The commission shall develop, with the advice and assistance of officials of the executive branch, all legislation needed to implement the reorganization of services in accordance with this Act, including amendments to the statutes, reallocation of funds and transitional language as needed. The legislation, together with a report identifying specific positions that are added or deleted as a result of the reorganization, must be presented to the joint standing committee of the Legislature having jurisdiction over state and local government matters by November 1, 1992 for consideration during the First Regular Session of the 116th Legislature.

9. **Content of legislation.** The legislation prepared by the commission must provide for at least the following:

A. Abolition of the Department of Human Services, the Department of Mental Health and Mental Retardation, the Office of Substance Abuse and the Office of Community Services;

B. Creation of the Department of Children and Families with at least the following functional clusters: economic security; child protection and foster care; and family support and development.

(1) The economic security cluster includes, but is not limited to:

(a) All functions of the Department of Human Services, Bureau of Income Maintenance;

(b) The Community Services Block Grant; and

(c) All poverty monitoring functions of the Executive Department, Office of Community Services.

(2) The child protection and foster care cluster includes, but is not limited to:

(a) All child protection and substitute care functions of the Department of Human Services, Bureau of Child and Family Services and all other functions of the bureau that are not specifically placed elsewhere, except licensing, which becomes part of a departmentwide licensing function.

(3) The family support and development cluster includes, but is not limited to:

(a) All child care and adoption functions of the Department of Human Services, Bureau of Child and Family Services, except licensing, which becomes part of a departmentwide licensing function;

(b) All functions and facilities of the Department of Mental Health and Mental Retardation, Bureau of Children with Special Needs, including but not limited to the Elizabeth Levinson Center, the Bath Children's Home and the Infant Development Center;

(c) All services that are provided to children by the Department of Mental Health and Mental Retardation, Bureau of Mental Retardation or Bureau of Mental Health;

(d) Head Start and the Maine Children's Trust Fund within the Executive Department, Office of Community Services; and

(e) All maternal and child health programs of the Department of Human Services, Bureau of Health;

C. Creation of the Department of Health and Developmental Services with at least the following functional clusters:

public health; medical care finance; substance abuse; mental health; developmental services and physical disability; and aging.

(1) The public health cluster includes, but is not limited to:

(a) All functions of the Department of Human Services, Bureau of Health that are not specifically placed elsewhere;

(b) All functions of the Department of Human Services' division of health planning;

(c) All functions of the Department of Human Services, Office of Vital Statistics; and

(d) All AIDS case management and other AIDS-related services.

(2) The medical care finance cluster includes, but is not limited to:

(a) All functions of the Department of Human Services, Bureau of Medical Services, except licensing, which becomes part of a departmentwide licensing function.

(3) The substance abuse cluster includes, but is not limited to:

(a) All functions of the Executive Department, Office of Substance Abuse.

(4) The mental health cluster includes, but is not limited to:

(a) All adult services provided by the Department of Mental Health and Mental Retardation, Bureau of Mental Health, except licensing, which becomes part of a departmentwide licensing function; and

(b) The Bangor Mental Health Institute and the Augusta Mental Health Institute.

(5) The developmental services and physical disability cluster includes, but is not limited to:

(a) All adult services provided by the Department of Mental Health and Mental Retardation, Bureau of

Mental Retardation, except guardianship services;

(b) The Aroostook Residential Center and Pineland Center; and

(c) All services from the Department of Human Services, Bureau of Rehabilitation, except services for people with visual impairments, which are transferred to the Department of Education, and services related to job training and placement, which are transferred to the Department of Labor.

(6) The aging cluster includes, but is not limited to:

(a) All functions of the Department of Human Services, Bureau of Elder and Adult Services; and

(b) All adult protection and adult guardianship functions;

D. Creation of a universal information and referral system for all health, social and educational services to be phased in as funds become available;

E. A single case management system responsive to unique consumer needs within each of the new departments;

F. A single contracting, evaluation and licensing system within each of the new departments;

G. Transfer, to the greatest extent possible under federal law, programs for people who are homeless or at risk of becoming homeless currently provided by the Department of Economic and Community Development to the Maine State Housing Authority;

H. Authorization for the Department of Children and Families and the Department of Health and Developmental Services to share resources such as, but not limited to, regional office space, data management services and payroll services; and

I. Any changes in juvenile correctional services that the commission recommends after considering the report of the Interdepartmental Council's task force on juvenile corrections.

**Sec. A-6. Juvenile corrections task force.** By June 1, 1992, the Interdepartmental Council shall convene a task force to

determine whether juvenile correctional services should remain part of the Department of Corrections or should be moved to the Department of Children and Families and recommend strategies to improve services for consumers of juvenile correctional services and increase the eligibility of juvenile correctional clients for 3rd-party payment of services. The task force must include representatives from the executive and legislative branches. The task force shall report its findings to the Commission on the Reorganization of Health, Social and Developmental Services by September 1, 1992. Juvenile correctional services include juvenile detention, probation and parole, the Maine Youth Center and community-based juvenile programs.

**Sec. A-7. Advisory boards.** The Commission on the Reorganization of Health, Social and Developmental Services shall consider whether the Department of Children and Families and the Department of Health and Developmental Services should each have a single advisory board to replace the various boards that serve the current departments. If the commission decides that each department should have a single advisory board, it shall submit implementing legislation.

**Sec. A-8. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1991-92

## LEGISLATURE

### Commission on the Reorganization of Health, Social and Developmental Services

Personal Services	\$5,000
All Other	5,900

Provides funds to the Commission on the Reorganization of Health, Social and Developmental Services for the salary and per diem of legislative members and for miscellaneous commission expenses.

## LEGISLATURE

### TOTAL

\$10,900

## PART B

**Sec. B-1. 5 MRSA §1822,** as amended by PL 1989, c. 14, §1, is further amended to read:





**MAINE STATE LEGISLATURE**

Augusta, Maine 04333

March 30, 1992

Sen. Charles P. Pray, Chair  
Legislative Council  
115th Legislature

Re: Staff study on environmental crimes

Dear Senator Pray:

The Joint Standing Committee on Energy and Natural Resources joins with the Joint Standing Committee on Judiciary to request a staff study on enhancement of penalties for environmental crimes. As you know, legislation attempting to revise the criminal sanctions for environmental violations has been the subject of many discussions, meetings and floor debates. A new bill (LD 2461) has been proposed to be held over until the next special session when legislators will have more time to understand the implications of each element.

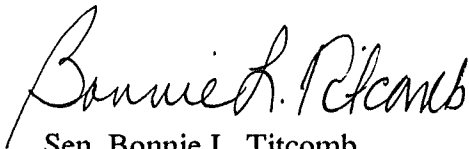
The Committees therefore request assignment of staff within the Office of Policy and Legal Analysis to collect background information and analyze the proposals in the new bill and, if time permits, others being advanced by interested parties. We suggest that the tasks to be performed in the staff study include:

- Identification of violations and crimes currently codified in Title 38 of the Maine Revised Statutes Annotated. An examination of land use violations located in Title 30-A may be useful for comparison and to ensure consistency;
- Collection and analysis of data regarding environmental violations in Maine, including case studies of particularly egregious violations, and comparison of possible treatment of those violations under federal law or the laws of other states;
- Collection of information regarding criminal penalties under federal law and in other states, including: prohibited activities; culpable mental states; severity of potential penalties; imposition of penalties, including jail time; necessity for felony status;
- Review of model legislation prepared on environmental crimes;

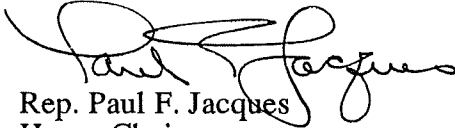
- Summary of criminal law concepts and their uses in the environmental enforcement arena, including: the use of affirmative defenses; culpable mental states; prosecutorial discretion; de minimus infractions;
- Analysis of potential application of LD 2461; and
- Collection and analysis of any other information that would be useful to the Legislature's deliberation on environmental crimes.

We would request that the staff report to both Committees no later than September 1, 1992.

Thank you for your consideration.



Sen. Bonnie L. Titcomb  
Senate Chair  
Energy and Natural Resources



Rep. Paul F. Jacques  
House Chair  
Energy and Natural Resources

Sincerely,



Sen. N. Paul Gauvreau  
Senate Chair  
Judiciary



Rep. Patrick E. Paradis  
House Chair  
Judiciary

#3866LHS

SEN. CHARLES P. PRAY  
CHAIR

REP. DAN A. GWADOWSKY  
VICE-CHAIR



STATE OF MAINE

115th LEGISLATURE

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EXECUTIVE DIRECTOR

March 27, 1992

Honorable Beverly Miner Bustin, Senate Chair  
Honorable Phyllis R. Erwin, House Chair  
Joint Standing Committee on Audit & Program Review  
115th Maine Legislature

Dear Senator Bustin and Representative Erwin:

The Legislative Council will meet shortly following adjournment to review requests from committees for interim studies. As you know, we review these requests not only from the perspective of their scope and objectives, but to ensure that interim work is conducted in the most cost-effective way. Cost-effectiveness has assumed even greater importance, as the Legislature's budget for Fiscal Year 1993 has absorbed cuts that now total more than \$2 million, or 11.4% of our original budget.

In order for the Council to have a complete picture of the potential interim workload, I am writing to request that you provide the following information for our review:

1. A list of agencies and departments that are scheduled for review this year with an indication of which of these reviews would be continuations of reviews initiated in a prior review cycle.
2. The primary focus of your review in each of these departments.
3. Your plan for conducting these reviews, including:
  - The number of subcommittees you propose to establish
  - The number of committee and subcommittee meetings and a preliminary meeting schedule through November 1.

Honorable Beverly Miner Bustin, Senate Chair  
Honorable Phyllis R. Erwin, House Chair  
March 26, 1992  
Page Two

I would appreciate having this information by next Tuesday, March 31, so that the Council can include it in its broader consideration of requests for interim work. Please see me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charlie".

Charles P. Pray, Chair  
Legislative Council

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JOHN J. CLEVELAND, DISTRICT 22  
DONALD L. RICH, DISTRICT 27

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW  
CHERYL RING, PRINCIPAL ANALYST  
LOCK KIERMAIER, ANALYST  
KATHRYN VAN NOTE, ANALYST



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STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON AUDIT AND PROGRAM REVIEW

March 30, 1992

The Honorable Charles P. Pray, Chair  
Legislative Council  
State House Station 115  
Augusta, Maine 04333

Dear Chair Pray;

We are responding to your request for information about the Audit Committee's interim schedule. You have asked three questions:

- A. A list of agencies scheduled for review, with an indication of which of these are continuations from the year just completed.

**Routinely Scheduled:**

- Department of Human Services;
- State Board of Funeral Service;
- Board of Hearing Aid Dealers and Fitters; and
- Advisory Commission on Radioactive Waste.

**Carried over from year just passed:**

- Department of Transportation;
- the Maine Turnpike Authority;
- the State Planning Office;
- Capitol Planning Commission; and
- State Lottery Commission

- B. Primary focus of review in each of these areas:

According to the Committee's statutory mandate [3 MRSA §922], each of the Committee's reviews must include a review of 1) agency management and organization, 2) program delivery, 3) statutory mandate, and 4) fiscal accountability. Some particulars are given below.

### Department of Human Services

The Committee intends to review each program within the Department, focussing on those programs of most importance to the Legislature. However, the Committee will not be including the Department's child welfare services program, in deference to Representative Rydell's Resolve [No. 2297] establishing a special Task Force to develop a comprehensive plan for protective and family support services for children.

### Department of Transportation

The Committee is still in the process of designing its review of this Department to ensure that the Committee reviews the most crucial components of the Department as efficiently as possible within the shortest amount of time.

### Maine Turnpike Authority

The Committee intends a full-scale review of the Authority.

### State Planning Office

The Committee's review will focus on energy planning and policy development

### Capitol Planning Commission

The Committee continued the Commission into the current review cycle, pending future funding for the work of the Special Committee on the New Capitol Area Master Plan.

### The two Boards and the Low-level Waste Commission

The Committee intends to conduct a complete review of these three agencies.

## **C. The Committee's plan for conducting these reviews, including:**

### **a. Number of Subcommittees:**

We are currently polling members to ascertain whether one, or two, subcommittees would be most efficient.

**b. Preliminary meeting schedule through November 1, 1992**

The Committee will tentatively plan to meet for one, or two, days in each of the following weeks, depending on the number of subcommittees and the amount of work two staff can generate for the Committee's review, working around vacation schedules, etc. We are committed to scheduling only full days.

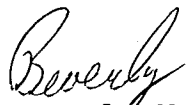
The meetings below will be devoted to review of the four major entities on the review schedule; the Department of Human Services, the Department of Transportation, the State Planning Office, and the Maine Turnpike Authority.

- Week of April 27th;
- Week of May 18th;
- Week of June 22nd;
- Week of July 20th;
- Week of August 17th;
- Week of September 21st;
- Week of October 19th;

You had asked for the Committee's tentative meeting schedule through November 1, which is what appears above. The Committee's schedule will also require meetings throughout November and December.

Furthermore, the Committee intends to defer its review of the two boards and the Low-level Waste Commission until January, when the Committee will quickly complete those three reviews.

Sincerely,



Beverly M. Bustin  
Senate Chair



Phyllis R. Erwin  
House Chair

cc. Sally Diamond, Executive Director Legislative Council;  
John Wakefield, Director OFPR